

Hains Jury Nearly Complete. State Will Open To-Morrow

WEATHER—Cloudy to-night; Cooler Wednesday.

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World.

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TOBACCO COMBINE IS ILLEGAL

Decree of Federal Court Restrains the Big Trust From Doing Business.

COMPANIES TO APPEAL.

This Will Act as a Temporary Stay in Enforcement of the Decree.

The decree of the United States Circuit Court in the Government's suit against the American Tobacco Company and others, filed late this afternoon, declares the American Tobacco Company, the American Snuff Company, the R. J. Reynolds Company, the Lorillard Company and the Blackwell's Durham Company a monopoly and engaged in an illegal combination.

The decree restrains these holding companies from engaging in foreign and interstate commerce until competition between them is restored. The decree denies the receiverships asked by the Government.

An appeal which has been taken to the United States Supreme Court will act as a temporary stay to the decree filed to-day.

MAYOR ABOLISHES TICKET SPECULATORS

Signs Evening World Ordinance Wiping Out Side-walk Nuisance.

Mayor McEllan today signed The Evening World's ordinance abolishing the ticket speculator nuisance.

He vetoed, however, the ordinance passed at the same time making it illegal to sell theatre tickets in hotels.

At the same time he signed the ordinance that will sound the farewell to the ticket speculator the Mayor vetoed the Anti-Noise ordinance, which referred to flat wheels on cars.

The Mayor regards the ordinance relating to the abolition of the sale of tickets in hotels and the provision for having the price of each ticket plainly stamped on the face of the ticket as unconstitutional.

The veto of the anti-noise ordinance about flat car wheels, loose trucks and other car noises was caused through the failure of the ordinance to include important provisions. Notably there was no provision relating to the carriage of great pieces of steel, girder and boiler metal through the streets, one of the most annoying noise-making devices, the Mayor thinks.

GIANT SNOWBALL BLOCKS TRACK AND STOPS TRAIN.

Rolls Down Mountain Side, Increasing in Size and Lodges on Steep Grade.

(Special to The Evening World.) KINGSTON, N. Y., Dec. 15.—A south-bound passenger train on the Poughkeepsie division of the Ontario and Western Railroad was delayed several minutes today by a huge snowball, three feet in diameter, which had started at the top of an adjoining mountain and rolled down the side, lodging on the track below. The ball, in its descent, had gathered up sticks and stones and required the services of two men to dislodge it.

The grade at the point where the obstacle was discovered is 160 feet to the mile, and it is declared remarkable that it was seen in time to avert a serious wreck.

For the devotee of horseback riding Calista Cream is the ideal thing to prevent chills and frost. At all leading druggists.

\$50,000,000 PINKNEY ESTATE GOES TO A MAN AND TWO WOMEN

Thomas Watt, Julia Morris Watt and Grace Watt Receive Bulk of Property of the "Richest Woman in the World," Who Died Dec. 8.

The will of Mary G. Pinkney, the wealthiest spinster in the world, was filed today by John C. Shaw, her lawyer, representing the executors, Thomas L. Watt and Curtis B. Pierce. The petition for the probate of the will stated that Miss Pinkney left more than \$50,000,000 worth of real estate and more than \$10,000,000 personal estate, though it is known that the woman, who died at the age of ninety-nine, on Dec. 8, owned gift-edged real estate in upper Manhattan worth about \$30,000,000. Miss Pinkney's will was made Sept. 22, 1894. Mrs. John C. Farrington and John F. McCann signed it, with her as subscribing witness.

The first to be remembered in the will was Miss Mary Vanderpool, Miss Pinkney's cousin, to whom \$20,000 is bequeathed. William Henry and James Kelly, employed by Miss Pinkney for many years, receive \$500 each.

To Thomas L. Watt, son of the late Thomas Watt, her stepbrother, is left all her horses and carriages, her library, household property, jewelry and personal ornaments.

The will directs that all the bodies of members of her family lying in the little "God's Acre" on her estate, between One Hundred and Thirty-ninth and One Hundred and Fortieth street, Lenox and Seventh avenues, be removed to her plot in Woodlawn, the expenses to be defrayed from her estate.

That magnificent manor house and grounds she bequeaths to Thomas L. Watt.

The block between Seventh and Lenox avenues, One Hundred and Forty-first and One Hundred and Forty-second streets, she left to her nephew, Archibald Watt, who died recently.

The residue of this great estate is to be divided into four parts, and Thomas L. Watt and Archibald Watt to receive each one part; a third part to be held in trust for Julia Morris, daughter of her late stepbrother, Thomas Watt, and the fourth part to be split, one-half to be held in trust for Grace, youngest daughter of Thomas Watt, and the other part to go to her absolutely.

The will provided that in case of Archibald Watt, Julia Morris or Grace Watt, their share should go to their children, or, failing issue, to the surviving brothers and sisters.

CHAUFFEUR GETS TWENTY DAYS IN PRISON FOR SPEEDING

Young Auto Driver Who Broke Law Second Time With Taxicab Is Sentenced to Tombs by Justices of Special Sessions, No Fine Being Imposed.

John Dunn, nineteen years old, a chauffeur for the New York Taxicab Company, was sentenced to serve twenty days in the City Prison by the Justices in the Court of Special Sessions this afternoon, when convicted of a second offense against the speed laws. The prisoner was originally employed as a strike breaker by the taxicab company.

He was arrested first on Sept. 12, charged with over-speeding on Fifth avenue. On Nov. 9 he was arrested at Canal street and Broadway, charged with driving at the rate of thirty miles an hour.

No fine was imposed in the case of the boy chauffeur, the sentence being a flat prison term.

SENATE RECEIVES MESSAGE WITH ROARS OF LAUGHTER

Roosevelt's "False in Every Particular," in His Answer to Critics of the Panama Purchase, Started All Going—Reading of Communication Hurried Through.

(By Associated Press.) WASHINGTON, Dec. 15.—Repeated peals of laughter greeted the reading of the opening paragraph of the President's message to Congress on the Panama Canal charges to-day. As the Secretary read the statement that the charges were "false in every particular," Senator Bailey laughed outright as he was passing along the rear of the chamber to his seat.

Other Senators on both sides of the chamber joined with him, and when the reader reached the statement that a statement in a newspaper which he mentioned would not be believed there was general merriment from both sides of the chamber.

There was only a small number of Senators present when the reading was begun, and it was hurried through, the papers accompanying the message not being read at all.

The message elicited the greatest interest in the House of Representatives. The members gave close attention during the reading of the document, and there was a ripple of laughter over the President's characterization of Joseph Pulitzer, publisher of the New York World. The message, with its accompanying papers, was referred to committee.

President Roosevelt's message in full will be found on Page 2.

SPECIAL POLICEMAN CONVICTED OF ROBBING AND TYING WOMAN

Alfred Underhill, twenty-six years old, formerly a special policeman, was convicted to-day before Judge Malone in the Court of General Sessions of robbery in the first degree. He was sentenced to 15 months and will be confined at the State Prison.

Underhill, it is charged, forced his way into Mrs. Sarah E. Dickel's flat on Oct. 23, with two other men, and at a pistol point forced Mrs. Dickel to tell where she kept her money and valuables. They then robbed her of \$800 worth of jewelry, a money bag and left her tied to the hot-water pipes in the bathroom. She was severely burned. Stephen Murphy and John H. Cummings, who are charged with having accompanied Underhill, will be tried next week.

Max Steuer tried to justify the dance, but admitted that last Saturday night the performers went beyond the limit. He said it was accidental. Magistrate Krotel said:

"These performers know and the managers of the show know just what is vulgar and disgusting to decent people in this dance. The dance may go on with the vulgarities cut out. If the limit of decency is overstepped again there will be trouble."

AGED MILLIONAIRE HAMMOND HAILED TO POLICE COURT

Typewriter Company's Head Arrested While Leaving Hotel Plaza With His Nurse.

EMPLOYEE COMPLAINS.

Buyer Declares He Tried to Snatch Stock From Him and Threatened Hurt.

James B. Hammond, the seventy-year-old head of the Hammond Typewriter Company, was arrested this morning in front of the Plaza Hotel, on a charge of disorderly conduct, preferred by one of his employees. He was hobbling from the portico of the hotel, at which he resides, on the arm of his nurse, Miss Mary G. Ellison, when Detective Wough, of the Yorkville Court squad, stepped between the eccentric millionaire and his waiting carriage and tapped him on the arm.

He asked the detective to get into the carriage with him and Miss Ellison and drive to the court.

Employee Is Complainant.

In the Yorkville Court, from which Magistrate Harris had issued the warrant yesterday, Horace G. Allen, forty-eight years a buyer for the typewriter company, which Mr. Hammond heads, appeared as complainant. Much mystery was thrown about the case in court, but it developed that the substance of Allen's charges was that, on Wednesday night last, Mr. Hammond had summoned him to his office and tried to force him to hand over a certificate for five shares of the typewriter company's stock, worth \$2,000 each. When Allen refused to give them up he swore that Mr. Hammond raised his cane as if to strike him and angrily exclaimed: "You dog!"

Lawyer O'Leary, who appeared for Allen, said that on July 9 last Allen had been appointed executor of the estate of James W. Davis, a former director and employee of the Hammond Typewriter Company. As a reward for his long and faithful services, said Mr. O'Leary, Mr. Hammond had given him five shares of the stock.

The lawyer said that Allen had been suddenly summoned to Mr. Hammond's office and abruptly told to give back the stock. Then he was asked to have Allen to show the five shares to him, and when Allen did so Hammond threatened to snatch them from him and threatened him with his stick.

Paroled in Lawyer's Custody.

Magistrate Harris, after hearing the evidence, told Attorney Steiner, who represented Mr. Hammond, that he would parole the prisoner till tomorrow in his attorney's custody. Mr. O'Leary consented and Mr. Hammond left the courtroom leaning on the arms of John G. Griffin, the vice-president of his company, and E. K. Stephenson, the manager, both of whom had been summoned by phone to court.

MOTHER HAS \$89,000 TO ACQUIT HARGIS

LEXINGTON, Ky., Dec. 15.—Mrs. Louellen Hargis has made public the announcement that she has \$89,000 which she is prepared to spend in order to secure the acquittal of her son, Leach Hargis, charged with the murder of his father. To obtain this money Mrs. Hargis had to mortgage her residence in Jackson. She went to Irvine today to be there when the trial is called to-morrow.

Irvine is rapidly filling with people interested in the case. Both sides will announce ready when the case is called. Hargis will plead self-defense and will try to prove that his father was choking him when the fatal shots were fired.

WOODRUFF LOSES FIGHT FOR ROAD OVER STATE LANDS.

ALBANY, Dec. 15.—That Chairman Timothy L. Woodruff, of the Republican State Committee, has no legal right to build a road to Camp Kill Kare, in the Adirondacks, over State lands, was the effect of a decision handed down to-day by the Court of Appeals.

Mr. Woodruff has been seeking authority to construct such a road, and litigation was carried to the highest State court. Mr. Woodruff will have to seek legislative authority before the road can legally be constructed over State forest lands.

SLAYING OF ANNIS TO BE RE-ACTED BY MANIKINS IN DEFENSE OF HAINS

Widow of Slain Man Who Will Take the Stand Against Hains



PUT DUMP CART BEFORE RUNAWAY TO SAVE LIVES

School Children Would Have Been Crushed If Driver Hadn't Been a Hero.

Alexander McCauley, of No. 4 Briggs avenue, Brooklyn, drives a dump cart for a living, but he proved this afternoon that a man can follow even that humble occupation and still be of the stuff of which heroes are made.

McCauley on his cart was jogging along Meeker avenue, in Williamsburg, just as the children in a big school at the corner of North Henry street were coming back for the afternoon session. Suddenly a heavy rumble up the street attracted McCauley's attention. He looked up and saw a cumbersome pole-wagon of the Edison Light and Power Company, loaded with long, swaying spars, coming toward him drawn by three horses that were tearing along at top speed, without a driver to control them.

People all along the street were shouting "Runaway!" at the top of their voices, but nobody volunteered to go out and stop the juggernaut. On the contrary, the shouts and yells seemed to terrify the runaway horses even more. McCauley, on his dump cart, saw that the runaway would cross the path of the school children, and probably crush half a dozen of them to death if somebody didn't stop it. As nobody else seemed willing, he decided, in a flash, that it was up to him. He stepped to the rear of his cart and carefully backed his cart full into the path of the runaway. Then he braced himself for the shock. There was no time for him to jump. The horrified spectators watched the runaway team crash into the heavy dump cart and expected to see it shattered. Instead it stood as steady as a

Puppets Representing Figures in Tragedy Will Move on Miniature Stage Set to Show Scene of the Shooting.

ELFVEN MEN IN BOX TO PASS ON WRITER'S GUILT.

Mrs. Annis Waiting to Confront Him on the Stand—Announcement Made That Prisoner Will Testify in His Own Behalf.

HAINS JURY UP TO DATE

1. William J. Hill, foreman for the Standard Oil Company, No. 7 Congress avenue, Laurel Hill, L. I.; married.
2. Thomas Walsh, builder, No. 27 Main street, Astoria; single.
3. Harry Hecker, shipping clerk at No. 489 Broome street, Manhattan, living on McIntyre street, Woodside; married and has children.
4. Samuel H. Johnson, retired, No. 324 Granbare avenue, Richmond Hill; married and has children.
5. John S. Brennan, no occupation, No. 2 Hill place, Maspeth; widower.
6. Frank Lee Richmond Jr., assistant bookkeeper for brokerage house, living at Far Rockaway; single.
7. Alexander Jardine, plumber, No. 252 Twelfth avenue, Long Island City; married and has children.
8. Hugh McCullough, milk dealer, Laurel, L. I.; married.
9. Louis C. New Jr., carpenter, No. 158 First street, Union Course, Jamaica; married, with one child.
10. William B. McLean, stage carpenter, of No. 70 Cleveland street, Corona; married and has children.
11. Patrick Ahearn, retired farmer, No. 643 Flushing avenue, Jamaica; married, no children.

When court at Flushing reconvened after recess to-day to resume the trial of T. Jenkins Hains, charged as accessory in the killing of William E. Annis by his brother, Capt. Peter Hains, U. S. A., it was learned that the defense had prepared a surprise for the prosecution in the shape of a miniature stage showing the scene of the murder.

This stage is set with a reproduction of the Bayside Yacht Club, the dock float, Annis's sloop, all worked out in detail, with small iron figures to represent the actors in the tragedy. This exhibit will be used first in the cross-examination of witnesses for the other side.

Before Justice Crane suspends to-night a jury will be completed. This morning there were six acceptable jurors in the box. At 5 o'clock this afternoon this number had been increased to eleven, and the weary lawyers were still plugging along trying to find a suitable man for the vacancy. It will be a jury of Jenkins Hains' own choosing, for he personally has passed on every man that was accepted.

District Attorney Martin will open for the State at 10 o'clock. It will take him and his aides only an hour or two to enter their case in chief, because they expect to prove that Peter Hains shot Annis to death while Jenkins Hains held off the eye-witnesses with a drawn revolver, and that Jenkins Hains had prior knowledge of Peter Hains's purpose.

Charles P. Cotton, of Beach street, Richmond Hill, who said he was president, treasurer and secretary of an incorporated concern, was the first witness of the afternoon. He was a man of about thirty-eight, handsomely dressed and carefully groomed. Both sides passed him, but the defense moved down the Richmond Hill road with one of its peremptory challenges.

Joseph H. Fitzpatrick, who used to be a Tammany Hall worker and at one time served as a secretary to Richard Croker, came next. He now lives at No. 28 Franklin place, Flushing, and for a while he was a clerk in the Flushing Magistrates' Court. He said he was a public accountant at present. Fitzpatrick answered so clearly and convincingly to all questions that his examination soon ended. The defense accepted the ex-politician, but the other side spent a peremptory challenge on him.

The Ninth Man Accepted.
Louis C. New Jr., a carpenter, of No. 158 First street, Union Course, Jamaica, thirty-two years old, married, with one infant child, showed so sane and clear an understanding of the questions that

(Continued on Second Page.)